

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LESLIE J. JONES,

Plaintiff,

v.

**5:09-CV-1232
(FJS/VEB)**

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

APPEARANCES

OF COUNSEL

McMAHON, KUBLICK & SMITH, P.C.
500 South Salina Street
Suite 800
Syracuse, New York 13202
Attorneys for Plaintiff

JENNIFER GALE SMITH, ESQ.

**SOCIAL SECURITY ADMINISTRATION
Office of Regional General Counsel
Region II**
26 Federal Plaza - Room 3904
New York, New York 10278
Attorneys for Defendant

ANDREEA L. LECHLEITNER, ESQ.

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Bianchini's April 17, 2012 Report and Recommendation, in which he recommended that the Court deny Plaintiff's motion for judgment on the pleadings and grant Defendant's motion for judgment on the pleadings. *See* Dkt. No. 10. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Bianchini's April 17, 2012 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Bianchini's April 17, 2012 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

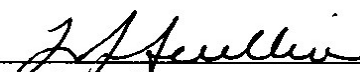
ORDERS that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

ORDERS that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: May 8, 2012
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge